

APPROVED: Meeting No. 40-91

ATTEST: 

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 39-91

November 18, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on November 18, 1991, at 8:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. The City issued today its Comprehensive Annual Financial Report for fiscal year 1991. The report is designed to comply with the strict guidelines of regulatory agencies and includes financial and statistical data.

2. One of the priorities of the Mayor and Council was to plan a Bicentennial Observance of the Bill of Rights. An observance is planned for Monday, December 9, in connection with the next regular meeting. Any comments from the Mayor and Council regarding this event would be appreciated.

3. Several months ago, the City applied for a Main Street Improvement Program grant from the State. Last Friday, Governor Schaefer announced that the City of Rockville is one of those

Meeting No. 39-91

2

November 18, 1991

municipalities recommended for the grant. The report is incomplete at this time and information is forthcoming as to how much of the \$10,000 request will be funded.

4. Finally, with respect to Cabin John Lake, a significant meeting was held in Baltimore on November 5 with state and federal regulatory agencies. It was announced by the U.S. Army Corps of Engineers that the Cabin John Lake Project would not be eligible for a Nationwide Permit. An alternative option of going after an individual permit, while still available to the City, will not be pursued. It is clear that the U.S. Army Corps of Engineers would not look favorably at the Lake project under any scenario.

As part of the Cabin John Lake Project, the City commissioned an environmental study from a habitat point of view. The initial report of the consultant has been received and, at a November 12 meeting, the consultant presented their findings and responded to questions. Staff is already reviewing alternatives to the Lake and, if the Mayor and Council are comfortable with this approach, staff will look at structural and policy alternatives. Staff is maintaining contact with the Tower Oaks developers who have indicated that they are anxious to move forward.

In response to the Mayor Duncan, the City Manager advised that the U.S. Army Corps of Engineers urged that detention facilities as opposed to wet ponds be considered on the Tower Oaks site; however, the Tower Oaks developers do not feel at this time that they can make a judgment as to the most feasible alternative. Mayor Duncan urged that priority be given to finding an alternative with the least impact on wetlands.

Re: Proclamation declaring  
Thursday, November 28,  
1991, Thanksgiving Day, as  
"Health Care for the  
Homeless Day" in  
Rockville.

Proclamation No. 24-91

Meeting No. 39-91

3

November 18, 1991

By a unanimous vote of the Mayor and Council, Thursday, November 28, 1991, Thanksgiving Day, was declared "Health Care for the Homeless Day" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Lloyd Welter, Chairman, and other members of the Board of Directors, Community Clinic, Inc., received the Proclamation.

Re: Proclamation declaring the week of December 1 through 7, 1991, as "Home Care Week" in Rockville.

Proclamation No. 25-91

By a unanimous vote of the Mayor and Council, the week of December 1 through 7, 1991, was declared "Home Care Week" in Rockville. Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Sharon Mallette, Acting Director, Montgomery County Home Care, and other representatives of the Home Health Care providers received the Proclamation.

Re: P r o c l a m a t i o n commemorating the 50th anniversary of Pearl Harbor Day, December 7, 1991.

Proclamation No. 26-91

By a unanimous vote of the Mayor and Council, the 50th anniversary of Pearl Harbor Day, December 7, 1991, was commemorated. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Anthony J. DiLorenzo, Maryland State Chairman of the Pearl Harbor Survivors Association, received the Proclamation. Mr. DiLorenzo presented a slide show depicting the Pearl Harbor attack and the memorial erected over the USS Arizona.

Meeting No. 39-91

4

November 18, 1991

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Charlene Janes, 1106 Clagett Drive, representing the Rockville Scholarship Foundation, invited the Mayor and Council to their fundraiser buffet to be held on December 10, at the Civic Center Mansion. She noted that the Foundation has awarded \$27,000 to over 40 residents of Rockville.

2. Stan Klein, 7 Lorre Court, commented that there are residents who are unaware of Rockville's excellent process of open government, in the form of Mayor and Council drop-ins and Citizens' Forum, and procedures for resolving problems. He suggested that the City prepare a "how to" brochure to inform residents of the City's decision making and political processes to facilitate more citizen involvement.

Mayor Duncan noted that the City is preparing to update its Guide to City Government and, perhaps, a section could be added in the Guide. He requested that staff review this matter and prepare recommendations for the Mayor and Council.

3. Libby Baden, 1801 E. Jefferson Street, thanked the City for its kindness to senior citizens and its excellent senior program.

4. Randy Slovic, 9 Dairyfield Court, thanked the City for its commitment to finding a solution to the stormwater management problem in the Cabin John watershed.

5. Mansfield Kaseman, 704 Carter Road, commended the Mayor and Council on their election and installation into office. Rev. Kaseman pledged the support of Community Ministries in the days ahead.

In response to Councilmember Coyle's question as to whether the City is prepared to

Meeting No. 39-91

5

November 18, 1991

handle the growing numbers of homeless this winter, Rev. Kaseman noted that the City's shelters are already full and overflowing, but arrangements are being made for shells and to raise funds for additional cots.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Consent Agenda

Councilmember Coyle requested that Item A be removed from the Consent Agenda.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- B. Adoption of amended Administrative Procedures for issuing parking permits for oversized vehicles.

The Administrative Procedures, adopted in November, 1986, have been amended to reflect that the oversized vehicle permitting process is administered by the Chief of Inspection Services and the Inspection Services Division.

- C. Receipt of Certification of the results of the November 5, 1991, City of Rockville municipal election by the Board of Supervisors of Elections.

In accordance with the provisions of Chapter 8, Article III, Section 8-41(f) of the Rockville City Code, we hereby certify the results of the November 5, 1991 City of Rockville municipal election.

Total Ballots Cast	5451
Polling Place Ballots	5283
Absentee Ballots	168

Meeting No. 39-91

6

November 18, 1991

Votes for Mayor

Douglas M. Duncan	4252
Write-in	293

Votes for Council

Gloria Atlas	2247
James F. Coyle	3483
Frank E. Hagan	1620
Rose G. Krasnow	3848
James T. Marrinan	3253
David Robbins	3327
Russell J. Wallace	1913
Total Write-ins	33

Advisory Referenda Question No. 1

## Lengthen Term:

Yes	2398
No	2640

Advisory Referenda Question No. 2

## Limit No. Terms:

Yes	2974
No	2053

In accordance with the provisions of Chapter 8, Article III, Section 8-41(h) of the Rockville City Code, we hereby declare the following to be elected:

Mayor:	Douglas M. Duncan
Council:	James F. Coyle
	Rose G. Krasnow
	James T. Marrinan
	David Robbins

Maurice S. Ward, Chairperson

Audrey W. Impara, Member

Ruth S. Loevinger, Member

John L. Keefe, Member

Margaretta M. Tutson, Member

D. Introduction of amendment to Chapter 23 of the Rockville City Code, entitled "Traffic" so as to provide a definition of "Gross vehicle weight."

This amendment defines "gross vehicle weight" as the weight of the vehicle and its load as designated

Meeting No. 39-91

7

November 18, 1991

by the National Automobile Dealers Association Used Car Guide provided that a one-ton vehicle with a heavy duty option shall be considered as having an equivalent gross vehicle weight as the standard one-ton vehicle of the same make and model.

- E. Introduction of Ordinance to revise and amend Ordinance No. 16-91, appropriating funds and levying taxes for FY1992.

Each fall, the Appropriations Ordinance is amended to reflect encumbrances of funds from the prior fiscal year. The total increase in the ordinance is \$679,569.

Re: Rejection of Bid No. 35-92, assistance in conducting research for the self-assessment phase of the National Accreditation Process.

Funding in the amount of \$8,800 was budgeted for this purpose, and only one proposal was received from Connie J. Kirkland in the amount of \$45,000.

Councilmember Coyle had asked that this Item (A) be removed from the Consent Agenda to determine what impact rejection of this bid would have on the self-assessment process. The City Manger advised that staff would continue to be used to provide these services.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Bid No. 35-92, assistance in conducting research for self-assessment phase of the National Accreditation Process, was rejected.

Meeting No. 39-91

8

November 18, 1991

Re: Motion to authorize execution of agreements with property owners on Don Mills Court.

An infiltration basin will be constructed on Don Mills Court as part of wetlands mitigation for the Wootton Parkway project. These agreements assure abutting property owners of certain limitation on the use of the basin property.

The City Manager advised that these agreements go back a number of months when discussions were held as part of the mitigation process for Ritchie (now Wootton) Parkway. A common concern of residents on Don Mills Court and the neighborhood is that access to service the underground infiltration basin not be used at a later time as a street for future development on adjacent property.

Councilmember Krasnow advised that she would abstain from discussion and voting on this item inasmuch as she is one of the residents of Don Mills Court and a party to one of the agreements.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Krasnow abstaining, the City Manager was authorized, on behalf of the City of Rockville, to execute these agreements with the Don Mills Court property owners.

Re: Adoption of Ordinance to adopt Text Amendment Application T-119-91, Rockville Planning Commission, Applicant.

This amendment would provide a greater amount of time to implement certain



Meeting No. 39-91

9

November 18, 1991

approved subdivision and  
land development  
applications.

Ordinance No. 27-91

The Assistant City Attorney advised the Mayor and Council that two separate revisions have been prepared to the ordinance as introduced. In a November 13 memorandum, the City Attorney advised that clarifying language was added to Section 6 to assure that this text amendment would apply to existing approvals just as if the new time limits had been in place at the time those approvals were originally granted. This change was requested by William Kominers at the Mayor and Council meeting of October 28.

Requests have also been received from Joseph Kenary that language be added to the ordinance which would permit him to seek an extension of his Historic District Commission permit until a time coterminous with his use permit. Revision "B" of the ordinance contains both changes as well as a provision to allow the Planning Commission to extend the time for recording the final record plat to the expiration date of any existing use permit issued for the same property.

The Assistant City Attorney confirmed that the language requested by Mr. Kenary would provide authority to the Historic District Commission to grant an extension of the HDC permit if they so desire but does not mandate same.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the ordinance, as introduced, was amended as set forth in revision "B" prepared by the City Attorney.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 27-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted, as amended, to provide a greater amount of time to implement certain approved subdivision and land development applications.

Meeting No. 39-91

10

November 18, 1991

Re: Discussion and Instructions to Staff - Application to Close and Abandon Public Way SCA-63-91, Rockville Pike Properties, Rocca Limited Partnership, Applicant.

The application proposes to abandon Halpine Avenue between Chapman Avenue and Rockville Pike, an area containing 16,205 square feet.

Councilmember Coyle noted that there was previous discussion regarding potential traffic problems with this closure and methods for avoiding same. Staff responded that construction of a concrete curb, gutter and sidewalk extending across the existing entrance onto Rockville Pike is recommended as a condition to approval.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation for approval of this abandonment application with the conditions recommended by staff and the Planning Commission.

Re: FYI/Correspondence

Rockville Library Advisory Committee

Mayor Duncan asked if the Council would consider using Targets of Opportunity monies to fund this request for a CD-Rom reader. The propriety of the City funding this request was raised by Councilmember Coyle. He inquired as to the potential major users of this reader and whether funds have been solicited from these individuals or groups. Councilmember Robbins expressed concern with the precedent for providing financial support for a county library. Mayor Duncan responded that the City provided similar assistance to the Rockville Library Advisory Committee five or six years ago.

Meeting No. 39-91

11

November 18, 1991

It was agreed that a letter would be sent to the Committee requesting information as to the major users.

Re: New Business

A concern for seniors crossing Rockville Pike at three or four critical intersections in the Montrose Road area was raised by Councilmember Coyle. He requested that the Traffic and Transportation Commission work with staff and the State Highway Administration to see if there are any intermediate steps that may be taken to alleviate this dangerous situation. Suggestions include broadening the islands and/or adjusting the traffic light timing mechanisms. It was agreed that a memo would be sent to the Traffic and Transportation Commission asking for their review and recommendations.

With respect to the advisory referendum questions on the November 5 ballot, Mayor Duncan advised Councilmember Robbins that this issue would be scheduled for discussion and instructions to staff at a meeting in December or January.

With the recent centennial of the Red Brick Courthouse and the completion of the Grand Courtroom, Mayor Duncan asked the staff to explore the possibility of holding small concerts in the Grand Courtroom similar to the outdoor concerts held during the summer in Courthouse Square.

Councilmember Coyle raised the issue of using some portions of Courthouse Square for the Hometown Holidays celebration. Staff was requested to provide information in this regard; however, it was noted that some plans already underway are irreversible and that there is an inherent public safety problem with the use of Courthouse Square in view of the large crowds. The City Manager indicated that the City is working closely with the Rockville Chamber of Commerce to fill in the days with activities.

The possibility of relocating Farmers Market under the arcade in Courthouse Square

Meeting No. 39-91

12

November 18, 1991

next year was raised by Mayor Duncan, and staff will also prepare a memo addressing this issue.

Mayor Duncan referenced a Neighborhood Needs Assessment Program in Portland, Oregon which is incorporated in their budget process. Letters are sent to neighborhoods in the city asking residents to help prioritize city services and CIP projects within their neighborhood. This program could easily be adapted to Rockville and would provide an impetus for more input into the budget process. He will forward the information on to staff.

In light of the recent statement of the U.S. Army Corps of Engineers, Mayor Duncan suggested the creation of a Stormwater Management Task Force to review the city's stormwater management plan, policies and regulations to ensure compliance with state law and to make recommendations to the Mayor and Council for revisions. The Council agreed that it would be beneficial to have a task force of citizens review the City's current policies as well as state mandates and their applicability in the City. The formation of the task force will be advertised in Rockville Reports.

Councilmember Coyle requested that staff monitor the emergency assistance service program and shelters. Additionally, Councilmember Marrinan requested that staff focus on the health care needs of the homeless as the problem is exacerbated by state cutbacks in the Medicaid program.

Councilmember Coyle welcomed Rose Krasnow to the Council, stating that she will be a great asset to the City and he is excited about working with her.

Mayor Duncan clarified that the headline on the November 13 front page of the Rockville Gazette, "City wants to quadruple Irvington plan" is misleading. Although the King family requested an increase in retail (commercial) development, there is a concomitant decrease proposed in office square footage. The article itself is accurate.

Re: Next Meeting

Meeting No. 39-91

13

November 18, 1991

The next general session is scheduled for December 9, and the public hearing on Irvington Farm will be held on December 17.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:00 p.m., to convene again in General Session at 7:30 p.m. on December 9, 1991, or at the call of the Mayor.